

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

Crl.MC.No. 640 of 2004()

(O.R.3/2003 OF OLAKARA FOREST STATION, PEECHI RANGE)

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PETITIONER/RESPONDENT:

STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR

RESPONDENTS/PETITIONERS:

1. KUTTAN @ DILEEP, S/O.DEVASSYA,
CHUNDAYIL PATHRAKANDATH HOUSE, KORANCHIRA,
MUNDAD, KANICHIPARUTHA, VADAKKANCHERRY,
PALAKKAD DISTRICT.

2. VIJAYAN, S/O.PARAKKAL VELAYUDHAN,
MOOLAMKODU, KIZHAKKUMCHERY VILLAGE.

BY P.P.SRI.SANTOSH KUMAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 16/08/2007,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 640 of 2004

ORDER

Petitioner/State has filed this Crl.M.C. assailing Annexure A1 order passed by the Sessions Judge, Thrissur in Crl.M.C.No.119/04, granting anticipatory bail to respondents 1 and 2, who were the petitioners therein. The Sessions Judge ordered to release the petitioners in Crl.M.C.No. 119/04 on bail on executing bond for Rs.10,000/- each with two sureties for the like sum each in the event of their arrest by the respondent, the Deputy Ranger, Olagara Forest Station.

2. Public Prosecutor submits that the accused are not arrested yet. If the forest authorities were not able to arrest the respondents (petitioners 1 and 2 in Crl.M.C.No.119/04), I fail to understand why this Crl.M.C., filed on 27.2.2004, is to be retained on file any further. It is worthy to note that respondents 1 and 2 are served with notice in this Crl.M.C. and still the

forest authorities are unable to apprehend the respondents, in which event only they are to execute bond as directed by the Sessions Judge.

This Crl.M.C., in the circumstances, is devoid of any merit and is, hence, dismissed.

16th August, 2007

(K.P.Balachandran, Judge)

tkv